IN THE CLAIMS

Please amend the claims as follows:

Claim 1. (Currently Amended) A small swing type excavator, wherein an upper rotating body is mounted rotatably around a vertical shaft on a lower traveling body, rotating radius of a rear end of said upper rotating body being set to about one half of the width of said lower traveling body and devices being mounted on a rotating frame of said upper rotating body, ~~characterized in that~~ comprising:

an operator cab [[is]] disposed on one lateral side on said rotating frame, ~~and that~~

an air conditioner and a fuel tank [[are]] provided, respectively, on an inner and an outer side in the width direction of the excavator and in a space under a floor of said operator cab,

wherein said fuel tank comprises ~~comprising~~ an extension portion extending to at least the front surface [[side]] of said air conditioner.

Claim 2. (Original) The small swing type excavator according to claim 1, wherein said fuel tank is detachably attached to said rotating frame in such a condition that said extension portion extends along at least the front surface side of said air conditioner, and an opening portion capable of taking said fuel tank inside and outside therethrough is provided in an outer peripheral wall of said rotating frame.

Claim 3. (Currently Amended) The small swing type excavator according to claim 2, further comprising ~~wherein~~ a cover portion adapted to cover said opening portion and ~~is~~ ~~further~~ provided in the outer peripheral wall of said rotating frame.

Claim 4. (Currently Amended) A small swing type excavator, wherein an upper rotating body is mounted rotatably around a vertical shaft on a lower traveling body, rotating radius of a rear end of said upper rotating body being set to about one half of the width of said lower traveling body and devices being mounted in a rotating frame of said upper rotating body, ~~characterized in that~~ comprising:

a power source [[is]] disposed in a rear section of said rotating frame in such a manner that the length of said power source extends substantially laterally, wherein the length of the power source is inclined from the lateral direction such that the ~~stretches long and both~~ lateral ends of said power source are longitudinally shifted with respect to each other and one of the lateral ends is disposed closer to the rear of said rotating frame than is the other of the lateral ends ~~to be inclined~~;

a hydraulic pump [[is]] disposed [[on]] at the one lateral end of said power source ~~side~~ closer to the rear of said rotating frame ~~side of both the lateral ends of said power source, while~~;

a cooling device [[is]] disposed [[on]] at the other lateral end of said power source ~~side closer to the front side of both the lateral ends~~;

a fuel tank [[is]] disposed in front of said hydraulic pump to be separated from said hydraulic pump by ~~through~~ a predetermined space; and

a hydraulic oil tank is disposed in said predetermined space.

Claim 5. (Currently Amended) The small swing type excavator according to claim 4, wherein said fuel tank is disposed on one [[end]] side of ~~across~~ a swivel joint mounted at the center of rotation, while a control valve is disposed on the other [[end]] side of the swivel joint, wherein said fuel tank and said control valve are ~~being~~ in front of said power source.

Claim 6. (Original) The small swing type excavator according to claim 4, wherein an operator cab is disposed on an upper surface of one lateral side of said rotating frame, and said fuel tank is arranged under a floor of said operator cab.

Claim 7. (Currently Amended) The small swing type excavator according to claim 4, wherein said hydraulic oil tank is formed into a fan shape in such a manner that said hydraulic oil tank spreads to widen in a direction outward from said rotating frame when viewed vertically.

Claim 8. (Original) The small swing type excavator according to claim 4, wherein said hydraulic oil tank is formed in such a manner that at least a part thereof reaches to under said hydraulic pump.

Claim 9. (Original) The small swing type excavator according to claim 5, wherein said rotating frame comprises an opening portion for maintenance at the end on the side where said control valve and said cooling device are provided, and a cover portion adapted to cover said opening portion.

Claim 10. (Currently Amended) A small swing type excavator, wherein an upper rotating body is mounted rotatably around a vertical shaft on a lower traveling body, and wherein a working device is attached pivotally ~~pivotedly~~ at a front end of said upper rotating body, rotating radius of a rear end of said upper rotating body being set to about one half of the width of said lower traveling body and devices being mounted on a rotating frame of said upper rotating body, the rotating frame having a width which is substantially the same as that of said lower traveling body, the excavator ~~characterized in that~~ comprising:

a support member for the working device protruding from the front end of said upper rotating body

a hydraulic pump, a power source and a cooling device [[are]] disposed laterally in a line as rear row devices in a rear section of said rotating frame; ~~and~~

in front of said rear row devices, a control valve and a hydraulic oil tank laterally [[are]] disposed in a line on one lateral side centering on a swivel joint ~~, while~~; and

a fuel tank and a battery laterally [[is]] disposed on the other lateral side, said control valve, said hydraulic oil tank and said fuel tank constituting front row devices,

wherein the fuel tank is disposed between the battery and the swivel joint, and

wherein the battery is disposed in a concave part of the fuel tank and outward of the fuel tank.

Claim 11. (Original) The small swing type excavator according to claim 10, wherein a swinging motor is disposed between said swivel joint and said hydraulic oil tank.

Claim 12. (Original) The small swing type excavator according to claim 10, wherein an air conditioner is disposed between said swivel joint and said fuel tank.

Claim 13. (Original) The small swing type excavator according to claim 10, wherein said fuel tank is arranged under a floor of an operator cab mounted on said upper rotating body.

Claim 14. (Original) The small swing type excavator according to claim 10, wherein said rear row devices are arranged laterally in the order of hydraulic pump, power source and cooling device, while said front row devices are arranged laterally in the order of fuel tank, swivel joint, hydraulic oil tank and control valve, said fuel tank being arranged under a floor

of an operator cab mounted on said upper rotating body and said hydraulic pump being located in a rear side of said fuel tank.

Claim 15. (Cancelled).

Claim 16. (Original) The small swing type excavator according to claim 14, wherein an air conditioner is disposed over the floor of said operator cab.

Claim 17. (Currently Amended) The small swing type excavator according to claim 14, wherein [[that]] a suction pipe that communicates said hydraulic pump and said control valve is guided under the floor of said operator cab, while a pilot pipe that communicates said control valve and a pilot valve disposed over the floor of said operator cab is guided over the floor of said operator cab.

Claim 18. (Original) The small swing type excavator according to claim 14, wherein a swinging motor is disposed in front or rear of said swivel joint.

Claim 19. (Original) The small swing type excavator according to claim 14, wherein an oil filler port of said fuel tank is disposed in the rear section thereof and above said hydraulic pump.

Claim 20. (Original) The small swing type excavator according to claim 14, wherein an operation pattern switching valve for switching a motion pattern of an actuator according to an operation of an operation means among multiple motion patterns is disposed in front of said hydraulic oil tank.

Claim 21. (Original) The small swing type excavator according to claim 14, wherein an operation lock means for locking actuators hydraulically to be inoperative is disposed in the vicinity of said hydraulic oil tank in front or rear of said control valve.